

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CR-397-D

UNITED STATES OF AMERICA,

v.

ALBERT VINES,

Defendant.


ORDER

On May 4, 2018, Albert Vines (“Vines” or “defendant”) moved to dismiss count two of the indictment, which charged a violation of 18 U.S.C. § 924(c)(1)(a)(ii) [D.E. 28]; cf. [D.E. 1]. Vines contends that Hobbs Act robbery is not a “crime of violence” under 18 U.S.C. § 924(c). See [D.E. 28]. On May 18, 2018, the government responded in opposition [D.E. 30].

Hobbs Act robbery is a crime of violence under the force clause in 18 U.S.C. § 924(c)(3)(A). See United States v. García-Ortiz, No. 16-1405, 2018 WL 4403947, at *2–5 (1st Cir. Sept. 17, 2018); United States v. Hill, 890 F.3d 51, 54–60 (2d Cir. 2018); United States v. St. Hubert, 883 F.3d 1319, 1328–29 (11th Cir. 2018); United States v. Fox, 878 F.3d 574, 579 (7th Cir. 2017); Diaz v. United States, 863 F.3d 781, 783 (8th Cir. 2017); United States v. Gooch, 850 F.3d 285, 290–92 (6th Cir. 2017); In re Chance, 831 F.3d 1335, 1337 (11th Cir. 2016); see also United States v. Castleman, 572 U.S. 157, 168–72 (2014); In re Irby, 858 F.3d 231, 237–38 (4th Cir. 2017). Thus, the court declines to dismiss count two.

In sum, the court DENIES defendant’s motion to dismiss [D.E. 28].

SO ORDERED. This 26 day of September 2018.


JAMES C. DEVER III
Chief United States District Judge